
HOUSE BILL No. 1352

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-3-15.

Synopsis: Unauthorized utility lines on railroad property. Provides that a person who places wire, pipe, cable, fiber optic cable, or conduit across, under, or in the right-of-way or yard of a railroad company commits a Class B misdemeanor unless the person has written permission from the railroad company to place the wire, pipe, cable, fiber optic cable, or conduit across, under, or in the right-of-way or yard. Authorizes a railroad company injured by a violation of the law to bring a civil action for: (1) injunctive relief; (2) compensatory damages for harm caused by the violation; (3) treble damages; and (4) costs and reasonable attorney's fees.

Effective: July 1, 2003.

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January 14, 2003, read first time and referred to Committee on Interstate and International Cooperation.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1352

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-3-15-3, AS AMENDED BY P.L.259-1999,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 3. (a) A person who rides, drives, or walks on or
4 along the right-of-way or yard of a railroad company at a place other
5 than a public crossing commits a Class B misdemeanor.

6 (b) **A person who places wire, pipe, cable, fiber optic cable, or**
7 **conduit across, under, or in the right-of-way or yard of a railroad**
8 **company commits a Class B misdemeanor.**

9 (c) **As used in this section, "right-of-way"** means the track or
10 roadbed owned or leased by a railroad which is located on either side
11 of its tracks and which is readily recognizable to a reasonable person
12 as being railroad property or is reasonably identified as such by fencing
13 or appropriate signs.

14 ~~(c)~~ (d) **As used in this section, "yard"** means a system of parallel
15 tracks, cross-overs, and switches where cars are switched and made up
16 into trains, and where cars, locomotives, and other rolling stock are
17 kept when not in use or awaiting repairs.



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~~(d)~~ (e) This section does not apply to:

- (1) passengers on trains or employees of a railroad company while engaged in the performance of their duties;
- (2) picketing by railroad employees in the vicinity of entrances to railroad company property;
- (3) an authorized representative of the railroad employees;
- (4) a person going upon the right-of-way or into the yard to save human life or to protect property;
- (5) a person being on the station grounds or in the depot of the railroad company as a passenger or for the purpose of transacting business;
- (6) a person, or the person's family or employees going upon the right-of-way for the purpose of crossing from one (1) part to another part of a farm the person owns or leases, where the farm lies on both sides of the right-of-way;
- (7) a person having written permission from the railroad company to go upon the right-of-way;
- (8) a person having written permission from the railroad company to place a wire, pipe, cable, fiber optic cable, or conduit across, under, or in the right-of-way or yard of the railroad company;**
- (9) representatives of the Indiana department of transportation;**
- ~~(9)~~ **(10) representatives of the federal Surface Transportation Board; or**
- ~~(10)~~ **(11) a registered land surveyor or a land surveyor's employees who are on the right-of-way or in the yard for the purpose of making land surveys.**

SECTION 2. IC 8-3-15-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4. (a) A person injured by a violation of section 3(b) of this chapter may bring a civil action for:**

- (1) injunctive relief;**
- (2) damages in compensation for actual harm caused by the violation;**
- (3) treble damages; and**
- (4) costs and reasonable attorney's fees.**

(b) Injunctive relief may be granted for a violation of section 3(b) of this chapter regardless of the failure of the plaintiff to show irreparable injury.



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